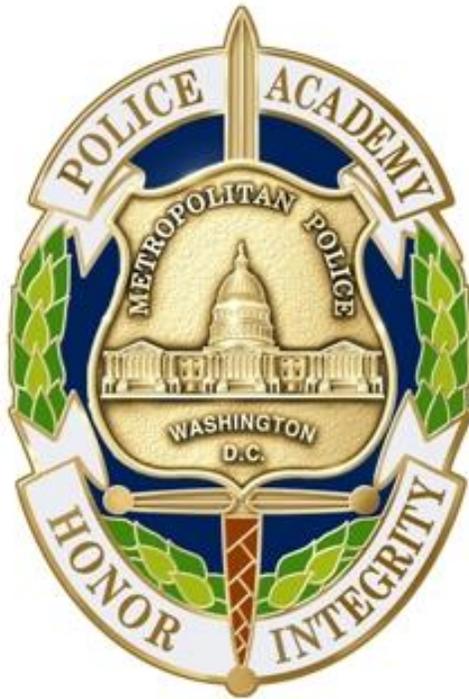


Metropolitan Police Academy



11.1 Serious Offenses

Introduction

As a police officer, you will encounter serious offenses and violent crimes. It is important to understand how to classify and handle these types of assignments while also showing compassion for victims, conducting a thorough preliminary investigation, and working with detectives to close these kinds of cases.

This lesson will aid in the development of the recruit officer's understanding of numerous serious offenses and their elements, including different types of robbery, burglary, carjacking, kidnapping, homicide, and sexual abuse-related offenses. Recruits will learn to classify each type of crime and their role in the handling of the most serious offenses encountered by police officers. This information will enable officers upon assignment to a patrol district to effectively investigate and report such offenses, handle the crime scenes, make appropriate notifications, and utilize resources needed to bring closure to each of these cases.

11.1.1 Classify the elements of serious offenses

The following serious offenses are defined by DC Code and classified as **crimes of violence**.

Carjacking – § 22-2803(a)(1)

A person commits the offense of carjacking when he or she by any means knowingly or recklessly:

- “by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting” another in fear
- Takes or attempts to take a motor vehicle from the immediate actual possession of another person.

Carjacking is a felony offense punishable by a period of imprisonment for seven (7) to twenty-one (21) years.

Simply stealing a car does not constitute carjacking. The vehicle must be in the immediate possession of the victim. Furthermore, the taking must be done with force, or stealth, or by putting or attempting to put in fear another person to obtain the vehicle.

For example, Jillian is driving her Honda Civic in the 2300 Block of Pennsylvania Avenue, SE. Jillian comes to a stop at a red traffic signal on Pennsylvania Avenue and sees a man (Jacob) walking in traffic. Jacob approaches Jillian's vehicle. Jillian opens her window under the assumption that he is panhandling. He tugs on her locked door, states, “get the fuck out of the car,” and reaches his hand inside to unlock the door. Jillian, in fear for her safety, opens the door and runs from the vehicle. Jacob enters the vehicle, drives through the red traffic signal, and flees the scene. He has committed the offense of carjacking.

For example, Jillian stops for gas at a station in Northeast Washington, DC. She parks alongside a fuel pump and turns the vehicle off. Jillian leaves the keys in the ignition and the doors unlocked as she pumps fuel outside the vehicle. She does not leave the immediate vicinity of the vehicle at any time. While Jillian is pumping fuel beside the driver's side of the car, just a few feet away Jacob stealthily approaches from the opposite (passenger) side and enters the vehicle. Jacob moves to the driver's position, starts the car, and puts it in drive. Jillian hears the car start and observes Jacob in the car. Jacob states, “take the pump out or I'm driving off with it.” Jillian removes the pump and urges Jacob not to steal the car. Jacob drives

off at a high rate of speed, and with a full tank of gas. He has just committed a carjacking. Although Jillian was not operating the vehicle or inside of the vehicle at the time, she still had immediate possession of it.

Armed Carjacking – § 22-2803(b)(1)

A person commits the offense of armed carjacking when he or she:

- “commits or attempts to commit the offense of carjacking”
- “while armed with or having readily available any pistol or other firearm (or imitation firearm) or another dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switch-blade knife, razor, blackjack, billy [club], or metallic or other false knuckles.”

Armed carjacking is a felony offense punishable by a period of imprisonment for fifteen (15) to forty (40) years.

This offense involves the same criminal acts which constitute carjacking, with the additional element of being armed or having a weapon readily available at the time of the offense. For example, if in the two examples previously described Jacob displayed a pistol, knife, club, or other dangerous weapon to Jillian during their interaction or at any time during the offense, he would have committed an armed carjacking.

NOTE: Carjacking and armed carjacking include the attempt to commit the offense. As such, “attempt carjacking” and “attempt armed carjacking” are not valid offenses.

Robbery – § 22-2801

Robbery involves the following elements and occurs when:

- the defendant “by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear”
- takes from the victim or victim’s immediate actual possession
- anything of value
- while the defendant had the specific intent to steal the property.

Robbery is a felony offense and is punishable by a period of imprisonment of two (2) to (15) years.

The immediate actual possession element distinguishes this offense from other property crimes such as theft. This offense requires taking property from a person in possession of it and while in their presence, rather than simply taking another’s property.

- **Immediate Actual Possession**

The property is within an area where the complainant could reasonably be expected to exercise some control. Essentially, the person must have control of the property. Examples: something in a person’s pocket, a purse or bag being carried by the person, a person’s property on a table in front of or beside the person, a person’s bag or jacket hanging on a chair which the person is sitting in, or a bag placed on the ground near the person’s feet or under the person’s chair.

- **Actual Possession**

Actual possession refers to an object that is in contact with an individual. An item in a person’s pocket is in actual possession of the person. The examples of immediate actual possession above differ because they are not being held or touched by the person though it is clear that the person has the ability to quickly exercise control of the property.

For example, James leaves his bicycle leaning against a street sign in front of his house. He goes inside for ten (10) minutes, returns to the sign, and discovers that someone has stolen his bicycle. James has not been robbed. This taking would constitute a theft. James knows where he left the bicycle but did not have immediate actual possession of it at the time of the offense. If, instead, James is riding his bicycle, sitting on the seat, and holding the handlebars when he is approached by a suspect who forcefully takes the bicycle or threatens James in order to take possession of the bicycle, this would constitute robbery because James was in actual possession of the bicycle.

NOTE: Remember lesson 9.3 – Weapons Offenses, page 7 which talks about **Constructive Possession**. It will help clarify the difference between the two types of possessions.

Methods of Robbery

The following terms distinguish the method used in the commission of a robbery. They all constitute the same offense of Robbery:

- **Armed Robbery**

When a robbery has been committed while armed with any dangerous weapon. The suspect must be observed with the weapon (e.g., gun, knife, etc.) while carrying out the offense.

For example, Robert is walking to a holiday celebration in Columbia Heights. He is bringing a bottle of champagne with him in a grocery bag. He is approached on the sidewalk by three young men. One asks if he has a phone to which Robert replies, “no.” At the same time, one of the other men produces what appears to be a black handgun from his waistband, points it at Robert, and states, “what’s in the bag?” Robert hands him the bag and puts his hands up in surrender. The suspect takes the bag and all three run away. Since a weapon was displayed during the commission of the robbery, this case is an armed robbery.

- **Robbery Fear**

When the suspect uses verbal or physical intimidation or makes threats of violence while committing the robbery. This may also include giving the impression that the person is armed without actually displaying a weapon.

For example, Rebecca has just left work and is on the sidewalk waiting for a taxi. She is approached by a suspect with a hood over his head and a mask over his face. The suspect states, “give me the fucking purse or I’ll knock you out.” Rebecca drops the purse and runs away screaming for help. No weapon was displayed but it was a robbery involving threatening statements and commands, constituting robbery fear.

- **Robbery Snatch**

When a suspect grabs or snatches property from the victim’s possession. This is often described as a purse-snatch.

For example, William has just left a café where he was using a laptop computer. While walking home with the laptop in his right hand, a suspect sneaks up behind him. The suspect, without saying anything, grabs the laptop with both hands, quickly pulls it away from William, and runs off with it. This would be a case of robbery snatch.

- **Robbery Stealth**

When a suspect stealthily or furtively obtains property from the victim, such as a pickpocket.

For example, Bethany is attending a concert at a Washington, DC arena. She reports that while sitting in her stadium seat, she placed her purse at her feet, below her seat. During the event, she felt the purse move against her feet. Moments later she looked down only to see that it was gone and the suspect was fleeing down the aisle and into the crowd. This would be a case of robbery stealth because the purse was in her immediate control and she was aware of it being stealthily stolen.

In contrast, if Bethany reports that she placed her purse under her seat and did not notice that it was missing until she got up to leave, and that she had occasionally left her seat during the sporting event, it would not constitute a robbery. In this case, although the property was in close proximity to Bethany, she was not in immediate control of it *at all times* and it is unknown whether it was taken while she was at her seat or not. If the purse was taken while she was away from her seat, it would be classified as a theft, not a robbery.

- **Robbery Force and/or Violence**

When the suspect commits any unlawful assault during the course of the robbery other than an assault with a weapon which would constitute an armed robbery. Any force, violence, or assault while committing a robbery is classified as robbery force and violence.

For example, Matthew is walking home from a Metro station on Capitol Hill while reading an email on his cell phone. He is approached by a man who stops him on the sidewalk and states, “give me the phone.” The subject then immediately punches Matthew in the face, pushes him to the ground, steals the phone, and runs away. This would constitute a robbery force and violence.

- **Robbery of an Establishment**

When the suspect commits a robbery of a business, the offense is classified as robbery of an establishment. These cases require a notification to the Department of Forensic Sciences (DFS).

For example, three masked men enter a convenience store. One displays a weapon and demands that the cashier opens the register while the other two suspects remove all of the currency from the register. The three flee the scene. This would constitute a robbery of an establishment.

Attempt Robbery – § 22-2802

This offense occurs when:

- The accused committed an overt act which went beyond mere preparation and carried the project forward to within a dangerous proximity of a robbery, and
- at the time the act was committed, the accused acted with the specific intent to commit the offense of robbery.

Attempt robbery is a felony which is punishable by a period of imprisonment for not more than three (3) years.

This offense requires the specific intent to commit a robbery which must be present and articulable based on the actions and statements made during the offense. If an assault takes place during an attempt robbery, the appropriate classification would be assault with intent to rob (which was taught in module 6.4 - Assault offenses), not attempt robbery. Likewise, if a weapon is used in an attempt robbery, this would constitute an assault with intent to commit robbery (AWIR) while armed and should not be charged as attempt robbery.

For example, Megan is waiting for a bus with her purse strap over her left shoulder. She is approached by a suspect who tugs on the purse in an attempt to snatch it from her and demands her to release it stating, “give me the fucking purse, lady.” Megan maintains possession of the purse, pulls away from the suspect and runs into the street screaming for help. Traffic stops and the suspect runs from the scene on foot. In this case, a robbery nearly occurred. Based upon the suspect’s statements and actions, it is clear that he had the specific intent to commit a robbery. If the property had been successfully obtained by the suspect, it would have been a robbery. But, Megan was able to keep possession, pull the purse from the suspect, and get away. As such, the correct charge is Attempt Robbery.

Burglary First Degree – § 22-801(a)

Commonly referred to as a Burglary I, Burglary First Degree occurs when:

- Any person at any time and in any manner enters with or without breaking any dwelling or room used as a sleeping apartment in any building of another;
- with the intent to break and carry away any part of the structure or fixture connected to the structure, or to commit any criminal offense; and
- a person is present in any part of such a location at the time of the offense.

Burglary First Degree is a felony punishable by a period of imprisonment for five (5) to thirty (30) years.

This offense involves entering a location with or without forcefully breaking in, with the intent to commit a crime. The location must be a dwelling or place used as a dwelling, and it must be occupied by someone at the time of the offense.

For example, George forgets to lock the front door of his northwest rowhome after going out front to retrieve his mail. He sits in the basement living room and reads the mail. George falls asleep briefly but wakes up a short time later to what sounds like someone walking around upstairs. George goes upstairs and discovers an unknown person taking his DVDs from the TV stand and loading them in a large bag. Additionally, he notices that his TV is unplugged and sitting on the floor near the front door, and his laptop computer is not where he left it. George screams at the suspect and orders him to leave his house. The suspect runs out with the bag of DVDs, leaving the TV by the door. George calls 911. In this case, a Burglary First Degree has occurred. George lives and sleeps in the rowhome and the suspect clearly entered with the intention of stealing George’s DVDs, TV, and laptop computer while George was inside the house.

Burglary Second Degree – § 22-801(b)

Commonly referred to as Burglary II, Burglary Second Degree occurs when:

- Any person at any time and in any manner enters with or without breaking “any dwelling, bank, store, warehouse, shop, stable, or other building or any apartment or room, or any steamboat, canalboat, vessel, or other watercraft [including a houseboat], or railroad car, or any yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of trade” of another
- with the intent to break and carry away any part or fixture attached to or connected with the structure, or to commit any criminal offense.

Burglary Second Degree is a felony punishable by a period of imprisonment of two (2) to (15) years.

This offense also involves entering a location with or without forcefully breaking in with the intent to commit a crime. The major difference between a Burglary I and Burglary II is that this offense *does not* require that the property/location entered be occupied at the time of the offense. Furthermore, Burglary II includes additional types of locations that would not support the charge of Burglary I. It includes not just dwellings, but numerous other structures and any place where goods are kept and stored for the purposes of trade.

For example, John and Jack travel to a local used car lot after hours. The business is closed. They walk onto the lot and look at the different vehicles for sale. John picks the lock to the office and finds a closet in which the keys are stored. John and Jack each drive off the lot in one of the vehicles. When the owner returns and notices the break in and missing vehicles, he calls 911. In this case, because the used car lot is a yard where goods are deposited and stored for the purpose of trade, a Burglary Second Degree has occurred.

For example, Kim returns from work at her usual time. Upon her arrival she immediately notices that her front door is wide open and that the wooden door frame is smashed and splintered. Kim immediately calls 911 and is afraid to go inside. She looks through a window and notices her living area appears to have been ransacked. Responding officers check the home for a suspect without finding anyone inside. Kim reports numerous pieces of jewelry, currency, and electronics have been stolen. The responding officer would report this as a Burglary Second Degree because no one was home at the time of the burglary.

Kidnapping – § 22-2001

Kidnapping occurs when any person commits or aids or abets in:

- “seizing, confining, inveigling, enticing, decoying, kidnapping, abducting, concealing, or carrying away
- any individual by any means whatsoever,
- and holding or detaining , or with the intent to hold or detain, such an individual for ransom, reward, or otherwise...”

Inveigling means to use trickery or deceit as a means to commit the offense.

Kidnapping is a felony punishable by a period of imprisonment for not more than thirty (30) years.

This offense involves unlawfully taking and maintaining control of a person by any means. The only exception to this offense is if the victim and suspect have a parental relationship in which Parental Kidnapping (taught in module 9.1 - Domestic Violence Offenses) would be the appropriate classification.

The confining of the victim must extend beyond simply making orders or demands to a victim or briefly detaining a victim as part of another offense such as a robbery in which the victim may be held briefly at gunpoint while being robbed before being released.

For example, Mary is loading shopping bags into the trunk of her station wagon in a mall parking lot. A man with a ski mask on approaches from behind and sticks a gun to Mary’s back. He orders her into the driver’s seat and sits in the back seat. He forces her to turn over her cell phone and keeps his gun drawn while telling Mary where to drive. They stop at an ATM and withdraw money from the machine. He orders Mary to do the same at two more machines before fleeing with the money. These actions would constitute (among other offenses) Kidnapping.

11.1.2 Describe the patrol officer's role in a kidnapping investigation

Cases involving a kidnapping are extremely serious offenses and often require a large-scale investigation and a variety of resources to bring closure to the case, locate the victim, and apprehend the suspect. These measures begin with the first responder and are more likely to be concluded when the primary officers conduct a thorough preliminary investigation, make prompt and appropriate notifications, obtain and document detailed information related to the offense, and utilize appropriate available resources.

Because kidnapping cases are often linked to other serious and violent offenses, such as homicide and sexual abuse, and because each involves a victim who is missing, each case is immediately given high priority and receives numerous MPD resources in an attempt to bring closure to the case as quickly as possible. The primary officer will conduct a preliminary investigation to determine what has happened and will be guided by officials and investigators who respond to the scene. Large scale operations such as a kidnapping investigation involve an incident commander who will guide the reporting officer and deploy resources as needed. An incident commander is a supervisor assigned to oversee an individual large-scale event or investigation. These incidents are often heavily focused on procedure.

It is always important to show empathy to the reporting parties given the distress and emotion that they may be feeling as well as the seriousness of the event. Expressing empathy may also increase their comfort with being cooperative and forthcoming with necessary information.

The following steps are crucial in the handling of a kidnapping offense:

- Respond immediately to the scene.
- Use situational awareness and officer safety techniques in conducting the preliminary investigation.
- Notify an MPD official and request his or her response.
- Notify a detective and request his or her response.
- Immediately attempt to locate the complainant.
- Observe and document all conditions, events, and remarks that relate to the offense.
- Attempt to identify the complainant, suspect, witnesses, and any other people who may have information about the offense or circumstances.
- Obtain and broadcast a detailed lookout for both the complainant and suspect as well as any vehicle or person associated with the offense.
- Obtain available photographs of the complainant and suspect.
- Secure and preserve the crime scene.
- Identify and secure all potential items of evidence.
- Notify the Command Information Center (CIC).
- Obtain a CCN and complete an event report documenting the offense when directed by the incident commander.

AMBER (America's Missing Broadcast Emergency Response) Alert

The abduction of a youth, when he or she is forcefully and/or involuntarily missing from the person(s) who is responsible for his or her care can result in the issuance of a District of Columbia **AMBER Alert**. The AMBER Alert is a tool available to law enforcement that notifies the general public through television or radio of the kidnapping of a youth when it is believed that he or she is in imminent physical danger. The alert can only be authorized and terminated by the AMBER Alert coordinator, which is the Youth and

Family Services Division (YFSD) watch commander who has been trained by the National Center for Missing and Exploited Children.

In order for the youth's absence to elevate to a situation in which an AMBER Alert is issued, **all** the following criteria must be met:

- The youth is seventeen (17) years old or younger and is believed to have been abducted.
- It is believed the abducted youth is in danger of serious bodily injury or death.
- An investigation has taken place that verifies the abduction and eliminated other possibilities for the disappearance.
- There is sufficient evidence about the youth and abductor/suspect to disseminate to the public that would help in locating the youth, abductor/suspect, and/or the suspect's vehicle if one is involved.
- The youth and suspect are likely still in the broadcast area.
- The incident report numbers, or CCNs, are given to the MPD AMBER Alert coordinator. He or she can be reached by contacting the CIC.
- The youth must be entered into WALES/NCIC.

The AMBER Alert *shall not* be activated in cases of:

- Parental kidnapping, even by a non-custodial parent, *unless* there is reasonable suspicion that the parent means the child harm.
- Runaways.

When you respond to a call for an abducted youth, it is critical that you conduct a swift and thorough preliminary investigation as the life of the youth in question could very well hinge upon you, the primary responding unit, gathering as much relevant information as possible. This means that you must know the conditions in which an AMBER Alert can be activated. If the results of your investigation show that **all** the criteria for the activation of an AMBER Alert have been met, you must **immediately** notify your watch commander.

When you arrive on the scene for a missing person or kidnapping, remember that the citizen calling in to report another person missing will most likely be distraught. While you should always show empathy and compassion while on scenes with worried community members and victims, remain cognizant of the fact that the sooner you are able to obtain accurate information, the faster you can issue a look-out so that your fellow officers can begin canvassing for the missing individual.

11.1.3 Describe the patrol officer's role in a robbery investigation

MPD handles over 3,000 cases of robbery each year. It is the most common serious offense that patrol officers encounter. It is also often times a violent offense. Patrol officers must become proficient in detecting, deterring, reporting, and investigating robbery cases.

The following measures must be conducted by the primary officer on robbery offenses:

- Respond immediately to the scene.
- Provide aid to injured persons. Request DCFEMS to respond when needed or requested.
- Locate victims and/or witnesses.
- Conduct a brief interview of the victim and any witnesses to confirm that a robbery has occurred.

- Broadcast a flash lookout within the shortest possible time, advising the dispatcher to provide a radio broadcast to all patrol districts and surrounding jurisdictions.
- Secure the crime scene.
- Notify an MPD official to respond to the scene.
- Notify a detective to respond to the scene.
- Brief the MPD official and detective on the offense.
- Obtain a CCN and complete an event report documenting the offense.
- Notify the Command Information Center (CIC).
- Conduct a WALES inquiry of any person or suspect detained during the canvass.

After broadcasting a flash lookout, attempt to gather more detailed information about the suspect and property that was taken. In cases where smartphones have been stolen, ask the victim if he or she has tracking capabilities and use them at the discretion of the victim. This technique (the “find my iPhone” app, etc.) often leads officers to the stolen property and/or suspects soon after the offense. Furthermore, victims will often notice that credit cards stolen in a robbery are being used at local locations. Using this information, officers can track where the stolen cards are being used in real time and respond to those locations to conduct a canvass.

If you are a secondary unit responding to a robbery call, you should not respond directly to the scene unless the suspect is still present or the primary officer requires assistance. Instead, you should begin canvassing in the vicinity of the offense in an effort to locate the suspect. Having multiple officers respond directly to the scene unnecessarily wastes time and reduces the likelihood of locating the suspect.

The on-scene official will often request units to respond to conduct a canvass of the area. Members should coordinate with one another while canvassing to ensure that thoroughfares, escape routes, train/bus stops, and other areas where suspects are more likely to escape to are covered.

The primary officer may canvass with the victim in his or her vehicle so that the victim can observe people in passing and identify whether they were or were not involved in the offense.

In cases where victims suffer injuries, items of stolen property are recovered, or any other physical evidence is present, make a notification requesting that a crime scene technician process and document such evidence.

In cases where physical evidence is present, a request for an MPD K-9 unit can be made. These units may be able to conduct a track of the suspect from the scent of the evidence. A request for K-9 can be made through the dispatcher.

If a thorough lookout is available and the suspect is believed to be in the area, MPD Air Support (Falcon) can be utilized to canvass from above and, at night, illuminate the area for officers conducting the canvass. This resource can be requested through the dispatcher, as well.

In robbery cases where no forensic evidence is present, an Axon Capture-equipped member shall photograph the crime scene. This does not apply, however, to robberies:

- Involving financial institutions, armored cars, and US Postal facilities.
- Resulting in serious or significant injury.
- Where the complainant’s property is recovered.

- Where biological evidence is present.
- Where forensic evidence is present that cannot be processed using photographs.

When a case has been closed with an arrest, coordinate with the detective on the scene who will be conducting a custodial interrogation and completing his or her own investigative reports. The patrol officer will normally complete the event report and arrest report but may be directed otherwise by the detective or MPD official. The information obtained during a custodial interrogation should be documented in the arrest/prosecution report and made available via electronic copy to present to the US Attorney's Office when presenting the case for papering. Presentation of the case will be done by the officer or the detective and should be coordinated ahead of time.

Any contacts or stops conducted during the investigation which do not lead to an arrest must be documented according to MPD policy and the information forwarded to the investigating detective (as taught in previous module 4.1). Suspects will often be subjected to a "show-up" which is coordinated by the on-scene detective. This procedure allows the victim to view the suspect from a distance and identify whether or not they are the offender.

11.1.4 Describe the patrol officer's role in a carjacking investigation

Carjacking is a serious and often violent offense. Patrol officers should become proficient in detecting, deterring, reporting, and investigating carjacking cases. The following steps must be taken by the primary officer assigned to a carjacking call for service:

- Respond immediately to the scene.
- Provide aid to injured persons. Request DCFEMS to respond when needed or requested.
- Locate victims and/or witnesses.
- Conduct a brief interview of the victim and witnesses to confirm that a carjacking has occurred.
- Broadcast a flash lookout for both the suspect and vehicle within the shortest possible time, advising the dispatcher to provide a radio broadcast to all patrol districts and surrounding jurisdictions.
- Secure the crime scene.
- Notify an MPD official to respond to the scene.
- Notify a detective to respond to the scene.
- Brief the MPD official and detective on the offense.
- Obtain a CCN and complete an event report documenting the offense.
- Notify the Command Information Center (CIC).
- Notify Teletype – this will ensure that the WALES record for the vehicle is updated and flagged as *stolen*.
- Conduct a WALES inquiry of any person or suspect detained during the canvass.

Carjacking cases are much easier to close when a thorough look-out for the vehicle is provided. Be sure to record the following details and add them to the look-out as the information becomes available. If the victim is unsure of any vehicle description items, attempt to retrieve them by conducting a WALES check or through the victim's insurance company.

- Make
- Model
- Year

- Color
- Style (four door, SUV, sedan, convertible, etc.)
- Tag Number
- Tag State
- Vehicle Identification Number (VIN)
- Unique marks or damage (dents, scratches, stickers, license plate frames, decorations, etc.)

While the primary officers assigned to the call for service will respond directly to the scene, back up officers assigned to the canvass often respond to specific areas of the patrol district to remain on the lookout for the vehicle. These areas are normally thoroughfares and direct routes to highways, bridges, or other avenues of escape which may be utilized by the suspects in their attempt to flee.

MPD's Air Support Unit (Falcon) can also be utilized when a vehicle look-out is available and circumstances are appropriate (e.g., weather permitting). Officers shall request the Air Support Unit's assistance through the dispatcher, including the look-out and last known direction of travel. This enables a canvass from above covering a broader area for the stolen vehicle.

If the vehicle is located, attempt to conduct a stop of the vehicle.

NOTE: Pursuits of vehicles must be approved by an MPD official and comply with MPD policy.

11.1.5 Describe the patrol officer's role in a burglary investigation

Burglary is a unique offense in that it normally occurs inside of the victim's private residence. As such, it is a major violation of privacy and may have a severe impact on victims. Patrol officers should be aware of this and exercise empathy and compassion while conducting a thorough investigation.

Additionally, many victims will be inclined to begin cleaning their residence and putting ransacked rooms back together. Explain to victims that evidence which can assist in closing the case may be present and urge victims not to disturb anything in the home until the crime scene can be processed.

The following steps should be taken by the primary officer assigned to a burglary offense:

- Respond immediately to the scene.
- Exercise situational awareness and officer safety techniques.
- Provide aid to injured persons. Request DCFEMS to respond when needed or requested.
- Locate the complainant and conduct a brief interview as to what occurred.
- Broadcast a flash look-out for the suspect when a description is available.
- Secure and preserve the crime scene and known items of evidence.
- Check and clear the location to ensure that the suspect(s) is no longer on the scene.
 - Each case is unique. Depending upon the circumstances, a suspect may or may not still be inside the premises.
 - When a suspect's presence is unknown, secure the perimeter of the premises and request an MPD K-9 Unit through the dispatcher to enter and clear the premises.
 - In cases where the complainant has already been through the premises and reports that no suspect is present, ensure that the perimeter of the premises is secure and conduct a thorough walk-through with an assisting unit to confirm this information.
 - Avoid contaminating the crime scene while conducting the walk-through.

- Conduct a walk-through with the complainant inventorying what property was taken, destroyed, moved, or touched during the offense and identifying all items of evidence. Document all of this information.
- Request a crime scene technician (DFS) to process the scene (**NOTE:** Non-violent burglaries can be processed by a crime scene trained patrol member).
- Notify an MPD official and an MPD detective of the offense.
- Notify the Command Information Center (CIC) with details pertaining to the offense.
- Obtain a CCN through the dispatcher and complete a report documenting the offense.

11.1.6 Acquire a basic understanding of Homicide

Homicide is the legal term for the killing of one person caused by another person. Because the killing can be done both lawfully and unlawfully, homicide is not, in and of itself, a crime. An unlawful homicide constitutes a crime, such as murder or manslaughter.

Due to the extensive amount of investigating that occurs in cases involving homicide, MPD members first reporting such events shall do so when instructed by an official or detective from the Homicide Branch of the Criminal Investigations Division, who will also classify the incident or offense. After an investigation of the homicide, the case may be re-classified and suspects may be charged with different crimes. Such decisions are not made by patrol officers or district level detectives.

In cases involving what appears to be a suicide or a death from natural causes, patrol officers shall make the same notifications and preserve the scenes to facilitate a required investigation. When instructed to do so, officers shall report these incidents accordingly and be guided by the investigating CID detective.

A patrol officer's role in homicide investigations

Although MPD classifies homicides in three primary categories (i.e., justifiable, excusable, or felonious), all cases involving homicide must be handled in the same manner to ensure that a thorough investigation takes place and all available evidence is preserved. This process begins when the first responding officer arrives on the scene. These scenes require the use of numerous personnel and resources.

In most cases, a patrol officer is the first member to arrive on the scene of a homicide. The welfare of the officer, victim, and other people present is the most important concern. As such, the initial officer shall immediately make efforts to ensure their safety and that medical personnel are able to treat victims without interference.

Once the scene has been secured and rendered safe, its preservation is of the utmost importance. All members shall make every effort to preserve the scene and prevent contamination. A point of entry and exit should be designated, as well as a path to and from the scene to be used by all personnel.

In many instances, witnesses and others are present on the scene and may refuse to cooperate, speak with police officers, or identify themselves. Make an effort to identify all persons present by any lawful means. For example, if an individual walks away from the scene and enters a vehicle, record the tag number; if they enter a house, record the address. Record such details along with a detailed description of the individual. Additionally, record identities and descriptions of all persons present near the scene, including individuals who are known to the police. This information may prove invaluable at a later time in the investigation.

Other witnesses may want to cooperate but fear doing so on the scene and in front of other neighbors. Officers should tactfully and inconspicuously arrange for them to meet with a detective at an alternate place/time or schedule a phone interview.

The following steps should be taken by an officer encountering a homicide:

- Respond immediately to the scene.
- Locate and provide aid to injured persons. Request DCFEMS to respond when needed or requested.
- Attempt to determine who the suspect is and if any suspect is present.
- Do not question a suspect. Rather, conduct a stop if possible and detain the suspect until a detective arrives.
- Record any spontaneous statements made by a suspect in your field notebook.
- When applicable, obtain a dying declaration from the victim and ask who assaulted him or her.
- Conduct a brief interview of all witnesses to determine what occurred.
- Locate and secure the crime scene.
- Obtain and broadcast a flash look-out for the suspect within the shortest possible time, advising the dispatcher to provide a radio broadcast to all patrol districts and surrounding jurisdictions.
- Request additional units to assist in managing the crime scene.
- Notify an MPD official and a detective from Homicide Branch to respond.
 - An MPD official must be notified in all cases of violent crime including homicide. In most instances, due to the nature of the radio assignment, an official monitoring the assignment will respond without being requested or being notified by the dispatcher due to the serious nature of the call.
 - If it is immediately apparent that a homicide has occurred, request a Homicide detective. For cases involving violent crime in which the victim is alive, notify a Patrol district detective to respond. If the victim later succumbs to his or her injuries, Homicide will be notified and take over the investigation.
- Secure and manage the crime scene. Initiate a chronological log of all personnel entering and leaving the crime scene.
- Request DFS crime scene technicians respond to process the crime scene through the dispatcher.
- Document all touching or moving of victims or evidence by medical personnel for any reason along with the previous position of such items. Do not attempt to replace items that have been moved or altered.

Homicide scenes often require additional personnel to establish and manage. Remember to make the scene as large as is necessary. Keep all uninvolved persons away and outside the scene, and use MPD vehicles, crime scene tape, and existing fixtures to establish a perimeter. Identify items of evidence and ensure that none is tampered with and the scene is large enough to protect all evidence.

Notify an MPD official of media presence on the scene and refer any media personnel to the Public Information Officer (PIO). The crime scene communications lesson plan will guide you further. Generally, do not make statements to uninvolved persons, media members, or family members of the victim about the offense itself.

Family members will often be present and grieving while the preliminary investigation takes place. Make the scene large enough so that the victim is inaccessible to the family and, if possible, out of sight of family members. An MPD officer or official may be assigned to remain with the family nearby while the preliminary investigation takes place on the crime scene. When you are doing so, remain empathetic and

compassionate and do not make any notification or speculation about the victim's condition. This information will be relayed by homicide detectives at a later time.

Be guided by the homicide detective in the handling of the scene upon his or her arrival:

- Document all information obtained while on the scene in a field notebook.
- Coordinate with the investigating detectives to share all information received and documented with them for their investigation.
- Share any footage obtained through body worn cameras used on the scene with the detective handling the investigation.

Homicide Branch detectives will conduct what is referred to as a de-brief with the primary officer about handling a homicide scene shortly after the scene has been cleared. This is a formal process related to their investigation during which an interview with the officer is conducted and a written statement is obtained related to the offense and his or her involvement and observations in the initial stages of the investigation. At this time, the primary officer will share his or her notes with detectives and coordinate the reporting of the offense.

- Obtain a CCN and complete a report documenting the offense at the direction of a Homicide Branch detective or official.
- Notify the Command Information Center (CIC).

In many cases, homicide victims will initially be treated by DCFEMS and immediately transported from the scene to a hospital before being pronounced dead. An MPD officer must be made available to accompany the victim to the hospital while others handle the crime scene. At the hospital, record the doctor's name and the time that the victim was pronounced dead. Remain with the victim until a DFS technician responds to the hospital to recover evidence from the victim.

In cases where DCFEMS pronounces the victim dead on the scene, VCB detectives will request a representative from the Office of the Chief Medical Examiner to respond to the scene for the purpose of transporting the victim to the morgue for an autopsy. As previously discussed in lesson 5.3 - Interpersonal Communication and De-escalation Skills, officers are often called to some of the most difficult moments in people's lives. Officers must show compassion on the scene to the decedent's family and those affected by the incident.

In cases where DCFEMS provides a pronouncement time to MPD members on scene when a deceased person is not transported to a hospital, members shall:

- Obtain the pronouncement time.
- Obtain the name of the DCFEMS employee/doctor pronouncing a person deceased before leaving the scene.
- Document the information in the internal narrative of his or her field report.
- Advise the responding homicide detective upon his or her arrival on the scene.

Failure to obtain the pronouncement time will cause a delay in the response by the Office of the Chief Medical Examiner (OCME) investigators. The OCME investigators will not respond until given the pronouncement time.

11.1.7 Define key terms related to sexual abuse offenses

Offenses involving sexual abuse involve a number of terms which are specifically used and defined for use in statutes and case law. Prior to learning the offenses and elements, you must understand each of the following terms which are used in defining the offenses.

- **Actor:** Any person accused of any of the sexual abuse offenses.
- **Bodily Injury:** “[I]njury involving loss or impairment of the function of a bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury involving significant pain.”
- **Child:** “[A] person who has not yet attained the age of 16 years.”
- **Minor:** “[A] person who has not yet attained the age of 18 years.”
- **Consent:** “[W]ords or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.”
- **Force:** “[T]he use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.”
- **Official Custody:**
 - The state of “[d]etention following arrest for an offense, following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following or pending civil commitment proceedings, or pending extradition, deportation, or exclusion.”
 - Custody for detention purposes, “including transportation, medical diagnosis or treatment, court appearance, work, or recreation.”
 - “Probation or parole.”
- **Serious Bodily Injury:** “[B]odily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” These injuries are life threatening or disabling. The victims typically require urgent and continued medical treatment, and often times require surgery, carry visible and long lasting or permanent scars, and suffer other consequential damage such as permanent impairment of mental faculties.
- **Sexual Act:**
 - “The penetration, however slight, of the anus or vulva of another by a penis.”
 - “Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.”
 - “The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”
 - “The emission of semen is not required for the purposes of” this definition.

- **Sexual Contact:** “[]The touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”
- **Sexually Suggestive Conduct:** “[E]ngaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:
 - Touching a child or minor inside his or her clothing;
 - Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;
 - Placing one’s tongue in the mouth of the child or minor;
 - Touching one’s own genitalia or that of a third person.”
- **Significant Relationship:** Any person in a position of trust with or authority over a child or minor. This includes:
 - “A parent, sibling, aunt, uncle, or grandparent, whether related by blood, marriage, domestic partnership, or adoption.”
 - "A legal or de facto guardian or any person, more than 4 years older than the victim, who resides intermittently or permanently in the same dwelling as the victim.”
 - A “spouse, domestic partner, or paramour of the person who is charged with any duty or responsibility for the health, welfare, or supervision of the victim at the time of the act.”
 - “Any employee or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, administrator, or support staff.”
- **Victim:** “[A] person who is alleged to have been subject to any offense set forth in” the sexual abuse statutes.

11.1.8 Acquire a basic understanding of the elements of sexual abuse offenses

Much like the handling of homicide cases, sexual abuse offenses are classified and investigated by specialized detectives, in this case assigned to MPD’s Sexual Assault Unit (SAU).

First Degree Sexual Abuse - § 22-3002

This offense occurs when a “person engages in or causes another person to engage in or submit to a **sexual act** in the following manner:

- By using force against that other person;
- By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
- After rendering that other person unconscious; or
- After administering to that other person by force or by threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.”

First degree sexual abuse is a felony punishable by a period of imprisonment of any term of years or for life.

Second Degree Sexual Abuse - § 22-3003

This offense occurs when a “person engages in or causes another person to engage in or submit to a **sexual act** in the following manner:

- By threatening or placing that person in reasonable fear (other than death, bodily injury, or kidnapping); or
- Where the person knows or has reason to know that the other person is:
 - Incapable of appraising the nature of the conduct;
 - Incapable of declining participation in that sexual act; or
 - Incapable of communicating unwillingness to engage in that sexual act.”

Second degree sexual abuse is a felony punishable by a period of imprisonment for not more than twenty (20) years.

NOTE: First and second degree sexual abuse involve **sexual acts**. The difference between them is the way in which the act is carried out. First degree is more serious in that it involves force, serious threats, unconsciousness, or the drugging the victim. Second degree involves a person incapable of declining, communicating, or appraising the conduct or the making of less serious threats in order to complete the sexual act.

Third Degree Sexual Abuse - § 22-3004

This offense occurs when a “person engages in or causes sexual contact with or by another person in the following manner:

- By using force against that other person;
- By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
- After rendering that person unconscious; or
- After administering to that other person by force or by threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.”

Third degree sexual abuse is a felony punishable by a period of imprisonment for not more than ten (10) years.

Fourth Degree Sexual Abuse - § 22-3005

This offense occurs when a “person engages in or causes sexual contact with or by another person in the following manner:

- By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
- Where the person knows or has reason to know that the other person is:

- Incapable of appraising the nature of the conduct;
- Incapable of declining participation in that sexual contact; or
- Incapable of communicating unwillingness to engage in that sexual contact.

Fourth degree sexual abuse is a felony punishable by a period of imprisonment for not more than five (5) years.

NOTE: The differences between third and fourth degree sexual abuse are identical to the differences between first and second-degree sexual abuse. Third and fourth degree sexual abuses, however, involve **sexual contact** rather than sexual acts.

Misdemeanor Sexual Abuse - § 22-3006

This offense occurs when a person:

- “engages in a sexual act or sexual contact with another person and
- should have knowledge or reason to know that the act was committed without that other person’s permission.”

Misdemeanor sexual abuse is punishable by a period of imprisonment for not more than 180 days.

First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner - §22-3013

This offense occurs when:

- “[a]ny staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, or prisoner
- who engages in a sexual act with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual act.”

First degree sexual abuse of a ward, patient, client, or prisoner is a felony punishable by a period of imprisonment for not more than ten (10) years.

Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner - § 22-3014

This offense occurs when:

- “[a]ny staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home or other institution; anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, or prisoner
- who engages in a sexual contact with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual contact.

Second degree sexual abuse of a ward, patient, client, or prisoner is a felony punishable by a period of imprisonment for not more than five (5) years.

NOTE: The difference between first and second-degree sexual abuse in these sections is that first-degree involves a **sexual act** while second degree involves a **sexual contact**.

First Degree Child Sexual Abuse - § 22-3008

This offense occurs when any person at least four (4) years older than a child “engages in a sexual act with that child or causes that child to engage in a sexual act.”

First degree child sexual abuse is a felony punishable by a period of imprisonment for any term of years or for life.

Second Degree Child Sexual Abuse - § 22-3009

This offense occurs when any person at least four (4) years older than a child “engages in sexual contact with that child or causes that child to engage in sexual contact.”

Second degree child sexual abuse is a felony punishable by a period of imprisonment for not more than ten (10) years.

First Degree Sexual Abuse of a Minor - § 22-3009.01

This offense occurs when any person “being 18 years of age or older:

- is in a significant relationship with a minor, and
- engages in a sexual act with that minor or causes that minor to engage in a sexual act.”

First degree sexual abuse of a minor is a felony punishable by a period of imprisonment for not more than fifteen (15) years.

Second Degree Sexual Abuse of a Minor - § 22-3009.02

This offense occurs when any person “being 18 years of age or older:

- is in a significant relationship with a minor and
- engages in a sexual contact with that minor or causes that minor to engage in a sexual contact.”

Second degree sexual abuse of a minor is a felony punishable by a period of imprisonment for not more than seven and one-half (7½) years.

Enticing a Child or Minor - §22-3010

This offense occurs when any person being either four (4) years older than a child or in a significant relationship with a minor:

- (1) takes that child or minor to any place for the purpose of committing any” sexual abuse offense,
- “or seduces, entices, allures, convinces, or persuades, or attempts to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact.”

Enticing a child or minor is a felony punishable by a period of imprisonment for not more than five (5) years.

Misdemeanor Sexual Abuse of a Child or Minor - §22-3010.01

This offense occurs when any person “being 18 years of age or older and more than 4 years older than a

child, or being 18 years of age or older and being in a significant relationship with a minor engages in sexually suggestive conduct with that child or minor.

Misdemeanor sexual abuse of a child or minor is punishable by a period of imprisonment for not more than 180 days.

Attempts to Commit Sexual Offenses - § 22-3018:

Any person who attempts to commit any sexual abuse offense shall be imprisoned for a period of:

- not more than fifteen (15) years when the maximum prison term is life; or
- not more than one-half (½) of the maximum prison sentence authorized for all other offenses.

Blackmail - § 22-3252:

A person commits the offense of blackmail if, “with intent to obtain property of another or to cause another to do or refrain from doing any act, [that person] threatens to:

- Accuse another person of a crime;
- Expose a secret or publicize an asserted fact, whether true or false, tending to subject another person to hatred, contempt, ridicule, embarrassment, or other injury to reputation;
- Impair the reputation of another person, including a deceased person;
- Distribute a photograph, video, or audio recording, whether authentic or inauthentic, tending to subject another person to hatred, contempt, ridicule, embarrassment, or other injury to reputation; or
- Notify a federal, state, or local government agency or official of, or publicize another person’s immigration or citizenship status.”*

Any person convicted of blackmail shall be fined not more than \$12,500 and/or imprisoned for not more than five (5) years.

(*Made law by the Sexual Blackmail Elimination and Immigration Protection Amendment Act of 2018.)

11.1.9 Describe a patrol officer’s role in sexual abuse offenses

Members who initially respond to adult sexual assault incidents shall ask only the necessary questions to enable them to determine the type of crime and to obtain the required information for a look-out broadcast. Members *shall not* question the victim in detail about the offense. This is not intended to inhibit the preliminary investigation process but to recognize the severe emotional stress suffered by victims of sexual assaults.

When broadcasting over the MPD radio, all calls for service, look-outs, and other radio transmissions related to the offense should refer to sexual abuse cases as **criminal assaults**.

When the preliminary investigation reveals that a sexual abuse offense has occurred, a request for an MPD Sexual Assault Unit detective to respond to the scene shall be made. Further contact with the victim of a sex offense shall be made *only* by assigned detectives from MPD’s Sexual Assault Unit (SAU) or a SAU Victim Specialist.

The SAU will conduct all investigations of cases that the patrol officer determines to be a sexual abuse offense in which *the victim is eighteen (18) years of age or older*.

MPD's YFSD detectives will conduct all investigations of cases that the patrol officer determines to be a sexual abuse offense in which *the victim is under eighteen (18) years of age*.

Steps in the preliminary investigation conducted by the patrol officer include:

- Respond immediately to the scene.
- Provide aid to injured persons. Request DCFEMS to respond when needed or requested.
- Locate victims and/or witnesses.
- Conduct a brief interview of the victim and witnesses to determine what, if any, offense has occurred. Notify SAU or a YFSD detective when necessary.
- Victims of sexual abuse may request to speak to an officer of a specific gender. Accommodate victims in this way when possible.
- Broadcast a flash look-out for the suspect within the shortest possible time.
- Secure the crime scene.
- Notify an MPD official to respond to the scene.
- Brief the MPD official and detective about the offense.
- Request a DFS crime scene technician respond to process the scene and any evidence that may be present.
- Obtain a CCN and complete an event report documenting the offense. (The investigating detective may complete the event report and/or arrest/prosecution report in cases involving sexual abuse.)
- Notify the Command Information Center (CIC).

When conducting preliminary questioning, there should be no more than two (2) members present. It is not necessary for the victim to be interviewed by any other members on the scene before the SAU detective arrives. Classification, reporting, and making arrests for sexual abuse offenses will only be conducted by an SAU or YFSD detective unless otherwise ordered.

Victims of sexual abuse will often respond to a hospital for treatment. MPD officers are not to question victims of sexual abuse in the hospital. Members can speak to the nurse or doctor and request the appropriate investigative unit to respond but shall not interview the victim in the hospital.

11.1.10 Complete an event report and arrest/prosecution report for selected offenses encountered in this instructional unit

(Fill out report)

Summary

You have learned the elements of and processes for handling some of the most serious offenses. It is important to remember that although *you* may have seen and handled cases like this in the past, it is almost always an extremely tense and stressful experience for all those involved. Remember to express compassion and empathy toward all persons involved when handling offenses of this severity. Doing so can help calm the involved parties in what can be a very traumatic event. It also can assist in the

investigation and lead to closure by helping to build trust so that involved persons will be more likely to interact with you.

Be aware of the potential for danger when responding to such offenses. If a suspect is still present, these scenes can quickly become violent or the offense still may be in progress.

Offenses of this nature require thorough preliminary investigation and processing of crime scenes. Remember crime scene management techniques and use the resources available to assist in your handling of such major events.

There are many subtle differences between many of the offenses taught in this lesson. At this time, you should be proficient in identifying each type. As you progress through Academy training and your probationary period at a patrol district, this knowledge will continue to be reinforced through your experiences in the field.

REFERENCES

	District of Columbia Criminal Law and Procedure - Lexis Nexis	July 2022
GO 304.08	Crime Scene Response and Evidence Collection	12/18/2018
TT 10-046-08	Command Information Center Notifications	10/10/2008
GO 304.06	Adult Sexual Assault Investigations	02/16/2016
GO 308.09	Investigating Robberies	07/12/2011
GO 309.05	Kidnapping / Extortion Cases	03/02/2007